

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 08-20400-BC  
Honorable Thomas L. Ludington

REGGIE FRAZIER,

Defendant.

/

**ORDER DENYING MOTION TO ADJUST SENTENCE**

On April 26, 2010, Defendant Reggie Frazier filed a motion to adjust his sentence pursuant to Federal Rule of Criminal Procedure 36, contending that the Bureau of Prisons (“BOP”) did not properly credit time served by Defendant between his arrest and the entry of judgment on December 18, 2009. Rule 36 is not the proper avenue for Defendant’s motion because he has not alleged the Court made “a clerical error in a judgment, order, or other part of the record.” Fed. R. Crim. P. 36. *See also Addison v. United States*, 2 F.3d 1151 (6th Cir. Aug. 19, 1993) (table) (“[A] claim for credit for time served is not cognizable in a proceeding pursuant to Rule 36.”). Even if it were, the motion must be denied because Defendant has not alleged that he has exhausted the available administrative remedies before filing the motion in this Court. *United States v. Singh*, 52 F. App’x 711, 712 (6th Cir. 2002). If Defendant believes that the BOP’s made an error in calculating the credit he should receive for time he spent in custody between his arrest and the imposition of his sentence, he must apply for administrative relief through the BOP before seeking relief from this Court. *Id.*

Accordingly, it is **ORDERED** that Defendant's motion to adjust sentence [Dkt. # 56] is **DENIED WITHOUT PREJUDICE.**

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: June 2, 2010

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 2, 2010.

s/Tracy A. Jacobs  
TRACY A. JACOBS